

FORM PTO-1390 (Modified)  
(REV 11-2000)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

**TRANSMITTAL LETTER TO THE UNITED STATES**  
**DESIGNATED/ELECTED OFFICE (DO/EO/US)**  
**CONCERNING A FILING UNDER 35 U.S.C. 371**

112843-027

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR

09/936,446

INTERNATIONAL APPLICATION NO.  
**PCT/EP00/01744**INTERNATIONAL FILING DATE  
**1 March 2000**PRIORITY DATE CLAIMED  
**12 March 1999**

## TITLE OF INVENTION

**NUTRITIONAL COMPOSITION INTENDED FOR SPECIFIC GASTRO-INTESTINAL MATURATION IN**  
**PREMATURE MAMMALS**

## APPLICANT(S) FOR DO/EO/US

**Garcia-Rodenas et al.**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☐ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A copy of the International Search Report (PCT/ISA/210).

**Items 13 to 20 below concern document(s) or information included:**

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☐ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A change of power of attorney and/or address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
20. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
22. ☒ Certificate of Mailing by Express Mail
23. ☒ Other items or information:

**Request for One Month Extension of Time**  
**Return Receipt Postcard**  
**Express Mail Label No.: EL 727 382 470 US**

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR 1.492 (a)(1)-(5))	INTERNATIONAL APPLICATION NO.	ATTORNEY'S DOCKET NUMBER
09/936,446	PCT/EP00/01744	112843-027

24. The following fees are submitted:				CALCULATIONS PTO USE ONLY	
BASIC NATIONAL FEE ( 37 CFR 1.492 (a) (1) - (5) ) :					
<input type="checkbox"/>	Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO	\$1040.00			
<input type="checkbox"/>	International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO	\$890.00			
<input type="checkbox"/>	International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO	\$740.00			
<input type="checkbox"/>	International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4)	\$710.00			
<input checked="" type="checkbox"/>	International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4)	\$100.00			
ENTER APPROPRIATE BASIC FEE AMOUNT =				\$0.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).				\$130.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	- 20 =	0	x \$18.00	\$0.00	
Independent claims	- 3 =	0	x \$84.00	\$0.00	
Multiple Dependent Claims (check if applicable).				<input type="checkbox"/>	\$0.00
TOTAL OF ABOVE CALCULATIONS =				\$130.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$0.00	
SUBTOTAL =				\$130.00	
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).				\$0.00	
TOTAL NATIONAL FEE =				\$130.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable).				<input type="checkbox"/>	\$0.00
TOTAL FEES ENCLOSED =				\$130.00	
03/03/2002 LLANDGRA 00000053 09936446				Amount to be refunded	\$
01 FC:156 130.00 OP				charged	\$

a. <input checked="" type="checkbox"/> A check in the amount of <u>\$130.00</u> to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required; or credit any overpayment to Deposit Account No. <u>02-1818</u> A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. <b>Credit card information should not be included on this form.</b> Provide credit card information and authorization on PTO-2038.	
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.	
SEND ALL CORRESPONDENCE TO:	
Robert M. Barrett (30,142) ATTORNEYS FOR APPLICANTS Bell, Boyd & Lloyd LLC P.O. Box 10527/2002 BCAMPBEL 03/03/2002 LLANDGRA 00000053 09936446 01 FC:156 130.00 OP	
03/27/2002 BCAMPBEL 00000012 09936446 01 FC:154 130.00 OP	
SIGNATURE Robert M. Barrett NAME 30,142 REGISTRATION NUMBER March 4, 2002 DATE	



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
 United States Patent and Trademark Office  
 Washington, D.C. 20221  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/936,446	Garcia-Rodenas	112843-027

INTERNATIONAL APPLICATION NO.	
PCT/EP00/01744	
I.A. FILING DATE	PRIORITY DATE
03/01/2000	03/12/1999

Robert M Barrett  
 Bell Boyd & Lloyd  
 PO Box 1135  
 Chicago, IL 60690-1135

CONFIRMATION NO. 4113

371 FORMALITIES LETTER



\*OC000000007005595\*

Date Mailed: 12/04/2001

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Information Disclosure Statements
- Preliminary Amendments
- Request for Immediate Examination

**RECEIVED**  
 BELL, BOYD & LLOYD  
 INTELLECTUAL PROPERTY DOCKET

DEC 11 2001 <sup>TK</sup>

ATTY: RMB  
 DOCKET #: 112843-027

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$130 Surcharge for providing the oath or declaration later than the appropriate 30 months from the priority date (37 CFR 1.492(e)) is required.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

## SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Late oath or declaration Surcharge.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PAULETTE R KIDWELL

Telephone: (703) 305-3656

## PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/936,446	PCT/EP00/01744	112843-027

**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**

Applicant(s): Garcia-R denas et al.

MAR 2002 Socket No.

112843-027

Serial No.

09/936,446

Filing Date

September 12, 2001

Examiner

Unknown

Group Art Unit

Unknown

Invention: **NUTRITIONAL COMPOSITION INTENDED FOR SPECIFIC GASTRO-INTESTINAL MATURATION IN PREMATURE MAMMALS**

I hereby certify that the following correspondence:

Transmittal Letter (duplicate); Petition for One Month Extension of Time; Executed Declaration and Power of Attorney; Copy of Notification of Missing Requirements; Check in the Amount of \$240.00; and Return Receipt Postcard.

*(Identify type of correspondence)*

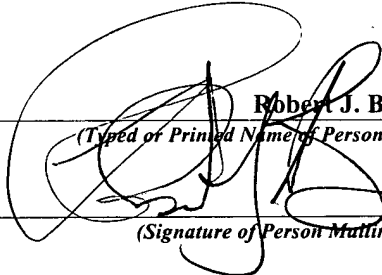
is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231 on

March 4, 2002

*(Date)*

Robert J. Buccieri

*(Typed or Printed Name of Person Mailing Correspondence)*

  
*(Signature of Person Mailing Correspondence)*

EL 727 382 470 US

*("Express Mail" Mailing Label Number)*

**Note: Each paper must have its own certificate of mailing.**